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Robert J. Sheheen, Speaker of the House

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House Week in Review

Last week, more bills were sent to the governor for his signature, and the House agreed to a date for what should be the last judgeship election this session.

More Bills Ratified

With only four legislative weeks left before the mandatory adjournment date, an ever increasing number of bills were ratified and sent to Gov. Campbell for his signature.

Among the bills ratified last week were S.236, revision of the state Uniform Commercial Code. Two important education bills were also set to the governor for signing. One of these was H.3771, which will create separate boards of trustees for the College of Charleston, Francis Marion College and Lander College. These colleges previously were governed by the State College Board of Trustees.

Also ratified was S.1191, which will make changes in the scholastic requirements for participation in interscholastic activities for high school students. Under this act, students in grades 9 through 12 must achieve an overall passing average and either pass at least four academic courses, including any graduation requirement, or pass a total of five academic courses. The student must achieve these academic requirements in the semester prior to the academic year of participation, if the activity extends over two semesters.

Although not yet ratified, S.1140, which would amend the state Constitution to change juror qualifications, was enrolled for ratification. This joint resolution deletes the requirement that jurors be registered voters. Instead, the resolution provides that jurors must be state residents and meet any other qualification the Legislature may prescribe.

Veto Received

The House also received notification from the governor he was vetoing H.2024, which would raise the minimum liability limits for automobile insurance from \$5,000 to \$10,000. The House adjourned debate on the veto until May 10.

Ninth Circuit Judgeship Election

A concurrent resolution setting Wednesday, May 18, as the date for the 9th Circuit judgeship election was agreed to by the House last week. The resolution was passed only after the House tabled an amendment to the resolution that would reopen the filing period for candidates for the race. The House tabled the amendment by a 70-34 vote.

The House also received the report of the Judicial Screening Committee, declaring Lee McAden Robinson and William L. Howard qualified as candidates for the 9th Judicial Circuit race.

Bills Set for Special Order

With the end of the session looming near, more bills were set for special order. S.1147, relating to the fair market value for agriculture real estate, will be up for special order consideration May 11. And H.2710, which would require a minor to receive parental or guardian consent for an abortion, was set for special order consideration following the disposition of S.1147.

Research Report: Regulating Infectious Wastes

The issue of how to manage the disposal of infectious waste, which has become important in many states over the past few years, is currently under consideration by the General Assembly. Infectious waste, which includes hospital and laboratory waste products such as blood, needles, human organs and surgical dressings, increasingly has been seen as a health threat, particularly since the advent of the AIDS crisis.

In South Carolina, news stories that a Hampton County incinerator was burning 20 tons of infectious waste a day from hospitals as far away as Chicago brought attention to the subject of infectious waste. This information contributed to the effort to more closely regulate the treatment and disposal of these materials in South Carolina. Last week, the state Department of Health and Environmental Control prohibited the Hampton incinerator from burning any more wastes after finding leaking containers and unburned materials destined for disposal in a sanitary landfill.

The South Carolina Infectious Waste Management Act

There have been several bills introduced during the 1987-88 General Assembly relating to the management of infectious waste. The most recent was introduced by the House Committee on Agriculture and Natural Resources.

The South Carolina Infectious Waste Management Act, H.4139, was introduced on April 13 and is currently awaiting second reading approval. The bill empowers the Department of Health and Environmental Control to regulate the treatment, transportation and disposal of infectious wastes, and sets up penalties for the violation of these provisions.

The bill defines infectious waste as any waste material that contains pathogens or has the potential to infect others. Examples include blood and blood products, human tissues and organs, "sharps" such as needles or scalpels, contaminated animal carcasses, waste products and chemotherapy waste. The bill applies to any producer of infectious waste, including physicians and private clinics. However, infectious waste generated in the home is not covered by the bill.

If a producer of infectious wastes, such as a hospital, is connected to a waste water treatment system, then bodily fluids such as urine, feces or blood can be disposed of there. Otherwise, the bill states infectious waste must be treated and sterilized by a DHEC-approved method before it can be disposed

The bill allows for waste to be treated and disposed of either on the site where it is produced or at an off-site waste management facility. If the waste is treated on-site it must be sterilized either through steam sterilization, chemical sterilization, incineration or chemical treatment. Sharp wastes must be disposed of in rigid containers, while limbs or other recognizable body parts must be incinerated or buried.

Documentation Required

If infectious wastes is to be treated and disposed of at an off-site waste management facility, then documents must be kept which tell what kind of waste is being sent, and how much is being sent. All waste management facilities must register with DHEC and must follow strict DHEC procedures on how to treat and dispose of infectious materials. Containers used for the transportation of infectious waste must also be DHEC-approved and must be sterilized periodically.

The bill also gives DHEC power to make other regulations concerning the treatment of infectious wastes, and allows the agency to issue restraining orders in a case where there is an immediate threat to the public health or safety. Violators of DHEC regulations will face sizable penalties and jail terms, and may also be subject to a civil penalty.

Health Risks Associated With Infectious Waste

The risk of contracting AIDS from infectious waste has been a major motivation to regulate the disposal of these materials. A widely reported incident that occurred last summer gives a good example of why infectious waste has become of overriding concern.

In Indiana, a group of young boys and girls found a box containing syringes and vials of blood in a trash dumpster behind an Indianapolis medical clinic. The children began to play with the syringes and throw the vials of blood against a wall, not realizing the danger of the materials they had. Since the blood they were playing with had come from an AIDS patient, seven of the children had to be tested to see if they had contracted the HIV virus.

This is clearly an unusual case, and many experts point out that the real risks of getting AIDS from infectious waste is slight. Due to the low concentration of AIDS viruses per milliliter of blood, coupled with the fact that the AIDS virus cannot survive long when exposed to the environment, the risks of contracting AIDS is rather small, according to a recent article in Omni magazine. However, the Hepatitis B virus is much more hardy than the AIDS virus, and the risks of contracting Hepatitis from hospital waste are greater.

Infectious Waste and the Law in South Carolina

The concern over the Southland Exchange Joint Venture incinerator in Hampton county kindled the fear that South Carolina might become an East Coast dumping ground for pathological wastes. The state currently does not have any regulations requiring waste producers or waste management facilities to provide information on where infectious waste is coming from and what kind of waste it is.

Given the fact that other states are developing tighter regulations on the disposal of pathological wastes and restrictions on the use of incinerators, it is feared that the relative lack of regulations here will make South Carolina a very appealing target for hospitals attempting to get rid of their wastes according to laws in their home states and as economically as possible.

South Carolina Disposal Practices

In South Carolina, infectious waste is disposed of in two main ways. It is either incinerated in facilities such as the one in Hampton County, or it is buried in sanitary landfills in keeping with certain regulations. There are no requirements that waste to be incinerated be labeled or identified as to what kind of waste is to be burnt. Pathological waste disposed of in a landfill must be identified separately, and is buried at the bottom of trenches in landfills so as to prevent human contact.

Also, registration with DHEC is required before waste can be discarded in landfills. It is not required that this waste be sterilized before it is buried. Also, there are no disposal regulations or guidelines for wastes from doctors offices, clinics or other short-term care facilities at this time. Many of these smaller producers of pathological waste dispose of the materials along with their general waste products.

According to DHEC officials, the proposed Waste Management Act would affect the disposal of infectious waste in several ways. Under the bill, infectious waste would have to be treated chemically or with steam in order to render it sterile before it could be buried. Also, the bill would affect the smaller producers of infectious waste by placing them under the same requirements as other waste generators.

Finally, the bill would affect all methods of disposing of pathological waste, including incineration, by giving DHEC more information about where waste is coming from, what kind of waste it is, and how it has been treated. DHEC would have more power to create necessary regulations for waste disposal.

Current Laws In other States

There are no federal laws or regulations governing how infectious waste should be managed, although the Environmental Protection Agency does produce guidelines on how to dispose of infectious waste.

In 1978, the EPA considered creating regulations on the management of infectious waste, but concluded that there was no evidence that health risks are associated with infectious waste. A bill was proposed in Congress last year to federally regulate the disposal of infectious waste, but no expert testimony showed that federal regulations are necessary.

Without federal guidelines, the problem of how to regulate infectious wastes has fallen to the states. A recent National Solid Waste Management Association survey showed that 32 states regulate infectious waste disposal, but these laws vary widely.

For example, Rhode Island and Arkansas have rules that apply to hospitals but not to medical labs or private doctors. The Indianapolis clinic which discarded its infectious waste in a trash dumpster was not breaking any law, since as a clinic, it was exempt from Indiana health department regulations. Indianapolis has since passed legislation governing infectious waste within the city limits. Some states such as Ohio, Colorado and Wyoming have no regulations at all concerning infectious waste.

Several states have responded to growing public concern on this issue by creating new laws governing infectious waste. In many cases, these states are in the process of determining how to regulate infectious waste, but have made no final decision on what regulations should be enacted.

For example, West Virginia, Maryland, New York, Pennsylvania and Delaware recently have all passed laws authorizing new regulations.

Conclusion

Given the current public alarm over the spread of diseases such as AIDS, it is easy to see why the prospect of the unregulated disposal of pathological wastes has come to the forefront. Infectious waste can present health risks, and the question of how to regulate the disposal of these materials is one that requires careful consideration in order to ease public concerns.

This report was researched and written by USC Legislative Intern Larry Slovensky. Slovensky, who graduated from USC's Honors College Saturday, will attend the University of Chicago School of Law.

Bills Introduced

Here is a sampling of bills introduced in the House during the previous week. Not all bills introduced in the House are featured here. The bills are organized by the standing committees to which they were referred.

Judiciary Committee

Fingerprinting Juvenile Offenders (H.4235, Rep. J. Bradley). This bill amends the part of the Code relating to the keeping of juvenile records. Currently, without an order from a judge, fingerprints of a juvenile can only be taken by the Department of Youth Services when a youth is admitted to a correctional institution. Under the proposed changes, law enforcement agencies would not need a court order to be able to fingerprint a juvenile who has committed a violation that would be a criminal offense if he were an adult.

Ways and Means Committee

Lease-Purchase Contracts for Political Subdivisions (S.1306, Sen. Applegate). This bill from the Senate regulates the use of lease-purchase contracts for public finance. Under the bill, political subdivisions such as municipalities, counties, school districts, and special purpose districts would be allowed to finance improvements of their facilities by entering into lease-purchase contracts. The bill outlines how such contractual arrangements will be carried out. Also, the bill states that if the cost of a public improvement is over \$10,000, then sealed bids must be solicited from qualified sellers.

Exceptions to the Business Opportunity Sales Tax (S.496, Sen. Hayes). This Senate bill creates some exceptions to the Business Opportunity Sales Tax. The tax covers the sale of products, supplies, equipment or services to a purchaser in order to help the purchaser start a business. This bill exempts sellers if they have not derived net income from the sale of a business opportunity during the current and two previous fiscal years, if the sale of business opportunities is not the main area of business of the seller, if the sale improves the realty owned by the purchaser so that the purchaser will be able to buy other products from the seller, and if the seller has a net worth of over \$5 million.

Unclaimed Property (S.1360, Sen. Waddell). This Senate bill -- the companion to H.4046 introduced by Rep. Kirsh in March -- would repeal the old Uniform Disposition of Unclaimed Property Act and replace it with the new Uniform Unclaimed Property Act. These provisions set out how banks, savings and loan, stock brokerage houses and other similar institutions handle money, accounts or other valuable property which is abandoned by their owners.



Fiscal Survey of the States

With legislative adjournment only four weeks away, attention focuses on State Budget deliberations. Here are the results of the "1988 Fiscal Survey of the States," conducted for the National Governors Association and the National Association of State Budget Officers. Among the topics surveyed were states that have taken mid-year budget cuts, which expect spending and revenue increases, and which enacted tax increases last year. The information was taken from the "Governors' Weekly Bulletin."

Budget Cuts

Last year, in fiscal 1987, 24 states cut their budgets in mid-year. This year, in fiscal 1988, only 11 states did so. The 11 states that implemented mid-year budget cuts in fiscal 1988 saved \$421 million. Most budget reductions were selectively imposed, generally exempting entitlement programs and statutorily mandated expenditures. In 7 of the 11 states, the action to reduce spending was taken by the governor. The 24 states that made mid-year budget cuts in fiscal 1987 saved \$3 billion.

Increases in Spending and Revenue

The total projected fiscal 1988 spending increase is 6.4 percent -- or 2.3 percent, adjusted for inflation. Revenue growth continues in line with growth in the economy. Because of state balanced-budget mandates, growth in expenditures mirrors growth in revenues. In fiscal 1988, revenue growth of 5.6 percent trails slightly behind expenditure growth of 6.4 percent. In fiscal 1989, revenue growth is projected at 5.8 percent, with a nearly matching expenditure growth rate projected at 5.9 percent.

Tax Increases

Last year, 34 states raised tax levels for their fiscal 1988 budgets. This year, only 14 are considering tax increases for fiscal 1989. Net revenues in the 14 states that have proposed -- or already have passed -- a tax increase for fiscal 1989 are projected to increase from \$800 million to \$900 million.

Tax Reform

Last year, 24 states adopted moderate to major reforms of their tax systems. Of these, 18 states increased their standard deductions, 17 raised the personal exemption, 13 adopted new tax bracket structures, and 12 lowered tax rates.

Overall, states made these changes to give back to the taxpayers some 80 percent of a potential, one-time \$6 billion increase in tax revenues. This year, as few as 6 states may consider tax reform.

Regional Trends

Regional economic trend showed little change over the past year. The survey showed the Northeastern states with strong economic growth. The regional recessions in the Midwestern farm and Western energy states are dissipating, and those economies are beginning to improve. In the South, some states have a robust economy, but for others, the outlook is "substantially less positive."

To help local governments stick to their 1989 budgets, 16 states recommended new and expanded programs that distribute increased aid through various mechanisms. These states are assuming programs traditionally funded by local government units, compensating localities for property exempted from local taxation, allowing expanded revenue-raising capabilities, and expanding local aid programs.

Because of other economic demands, 27 states did not propose any increase in benefits for Aid to Families with Dependent Children (AFDC). 18 states are proposing to raise AFDC benefits from between 1 percent and 10 percent. Last year, 22 states did not provide for any increase in AFDC benefits.

Tax and Spending Limitations

In some states, tax and spending limitations continue to be critical issues. 20 states have statutory provisions or constitutional amendments limiting annual expenditure increases. Although the adoption of such limitations have decreased since they first started to be used in the early 1970s, each year new methods are proposed for controlling state and local government spending. Some of the limitations set 10 years ago recently have taken effect for the first time.